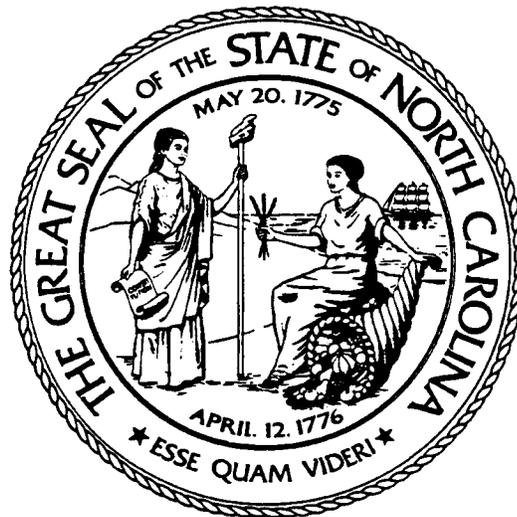


LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS

ON-SITE WASTEWATER SYSTEM CONTRACTORS



ASSESSMENT REPORT

1995





North Carolina General Assembly

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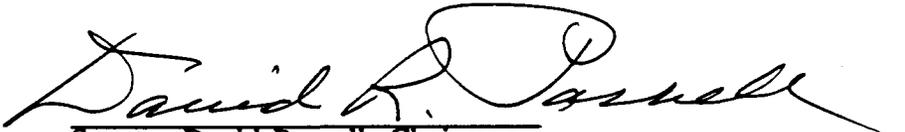
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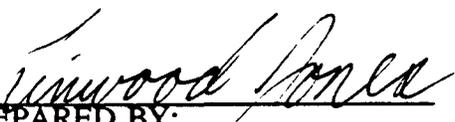
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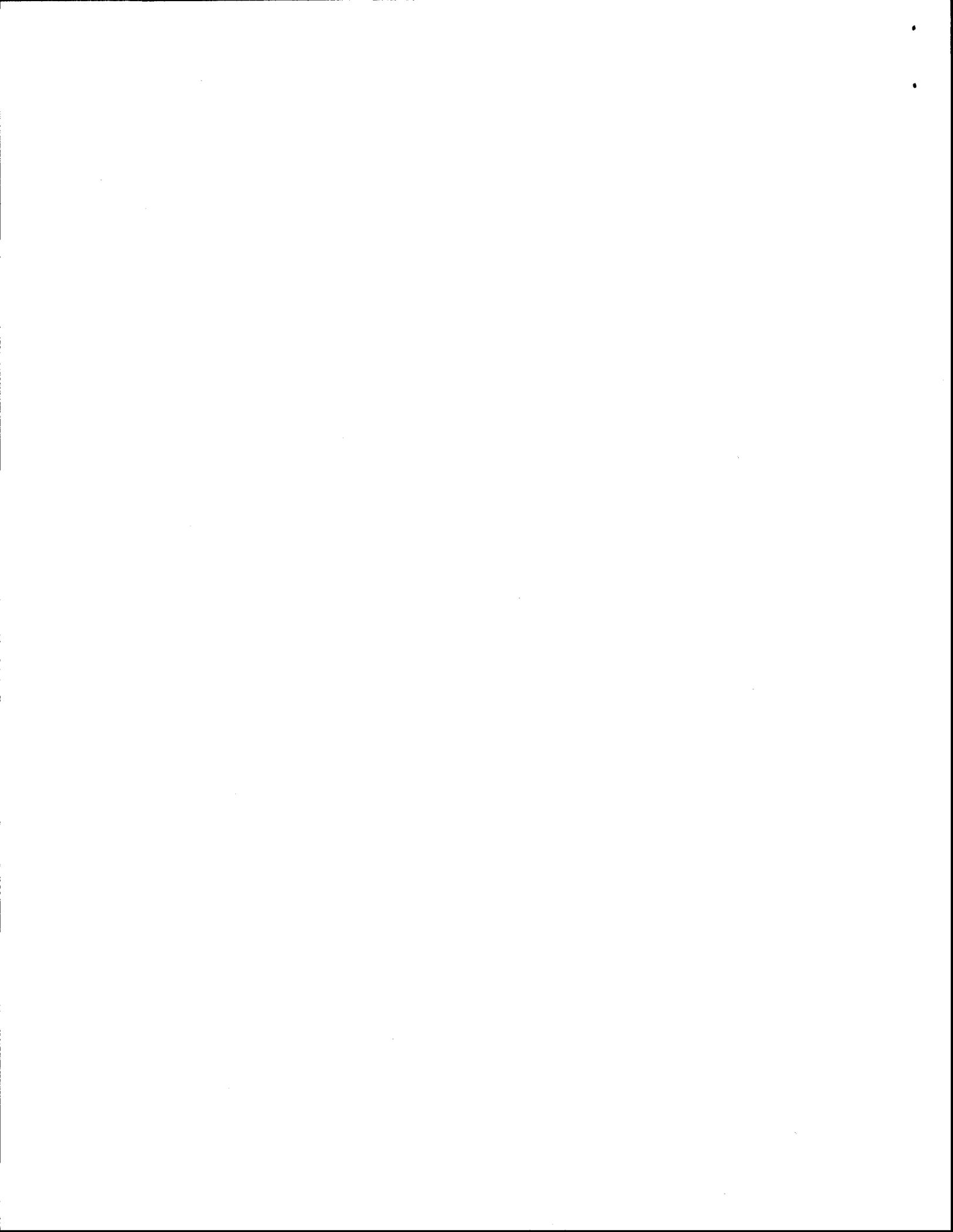
TO THE MEMBERS OF THE GENERAL ASSEMBLY:

Attached for your consideration is the assessment report on the licensing of on-site wastewater system contractors (Senate Bill 410 and House Bill 600). This report serves as both the preliminary and final assessment reports, as required under Article 18A of Chapter 120 of the General Statutes.


Senator David Parnell, Chairman
Legislative Committee on New Licensing Boards


PREPARED BY:
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**MEMBERS OF THE LEGISLATIVE COMMITTEE
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(1995-96)

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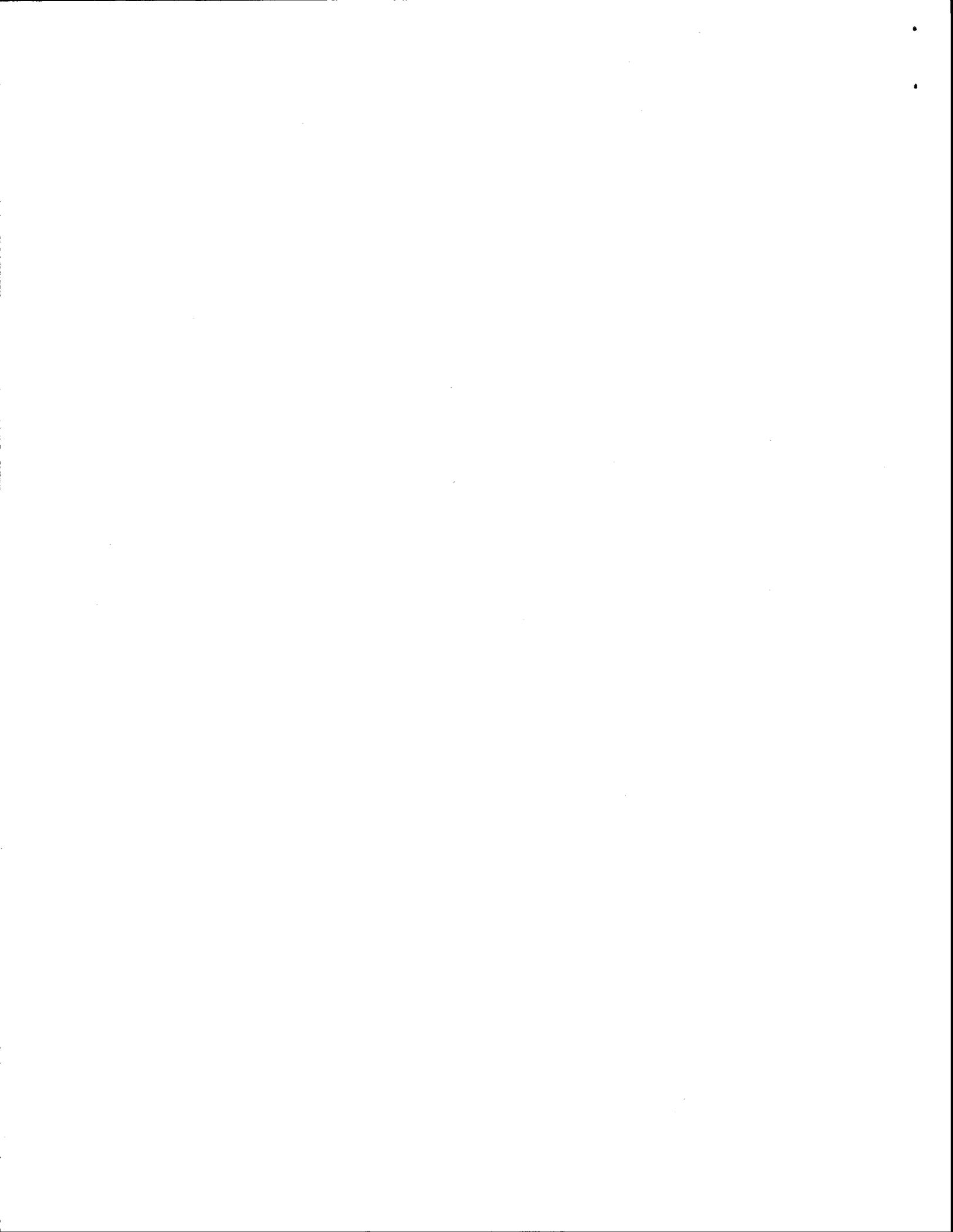
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Senator R.C. Soles

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ASSESSMENT REPORT

On-site wastewater system contractors are involved with the installation, construction, and repair of on-site wastewater systems in this State. On-site wastewater systems are the subsurface systems for which permits are issued pursuant to regulations of the Commission for Health Services under Article 11 of Chapter 130A of the General Statutes. Systems that discharge effluent to the land surface or surface waters, systems designed for groundwater remediation, groundwater injection, or landfill leachate collection and disposal, and systems designed for the complete recycle or reuse of industrial process wastewater (all of which are regulated by the Environmental Management Commission) are not "on-site systems" for the purposes of the licensing proposal. Approximately 600 to 800 persons would be regulated if this proposal passed.

Much of the construction industry is already licensed. However, licenses are not required of on-site wastewater system contractors. Although the State requires an inspection of an on-site system by the local health department before the system is covered or placed into use (G.S. §130A-337), there is no requirement that the persons installing and repairing the on-site wastewater systems be qualified to install and repair those systems. The improper installation of on-site systems by unqualified persons poses a threat to the environment, consumers and the public health: the groundwater may become contaminated, residents may be exposed to wastewater effluent on the land's surface, sewage may back up in a residence or other facility, and consumers may suffer financially from having to repair a failed system.

Several other states have certification, registration, and/or licensing laws for septic tank and wastewater treatment installers. North Carolina requires persons engaged in the business of installing or repairing septic tank systems to register with the local health departments in the counties in which they operate (15A NCAC 18A.1937), but this registration requirement does not impose minimum qualifications to ensure the contractor's competency. On-site wastewater systems and their installation have become more technologically advanced, requiring more expertise and training than in the past. In addition, on-site wastewater systems are used extensively throughout North Carolina, particularly for residences, and the registration requirement provides consumers with little, if any, assurances of reliability and competence.

The Legislative Committee on New Licensing Boards makes the following findings:

- (1) The unregulated practice of on-site wastewater system contracting can substantially harm or endanger the public health, safety, or welfare, and the potential for such harm is recognizable and not remote or dependent upon tenuous argument.
- (2) On-site wastewater system contracting possesses qualities that distinguish it from ordinary labor.
- (3) On-site wastewater system contracting requires specialized skill and training.
- (4) A substantial majority of the public does not have the knowledge or experience to evaluate the practitioners' competence.
- (5) The public cannot be effectively protected by other means.
- (6) Licensure would not have a substantial adverse economic impact upon consumers.

The Legislative Committee on New Licensing Boards recommends the licensing of on-site wastewater system contractors.

This assessment report is based on the proposals to license on-site wastewater system contractors, as contained in Senate Bill 410 and House Bill 600, and the questionnaire submitted by the sponsor (attached).

90LLJ-877



REPORT TO THE LEGISLATIVE COMMITTEE
ON NEW LICENSING BOARDS

1995 NORTH CAROLINA GENERAL ASSEMBLY

AN ACT TO ESTABLISH THE NORTH CAROLINA LICENSING
BOARD OF ON-SITE WASTEWATER SYSTEM CONTRACTORS

SENATE BILL 410

HOUSE BILL 600



SUMMARY OF PURPOSE

Wastewater systems installers are a group of men and women who are presently engaged in installing septic tanks or special wastewater treatment systems in North Carolina.

There are approximately 600 to 800 of these small business men and women engaged in installing these systems throughout the state.

Everyone from an electrical contractor to a plumber or builder have some form of license or certification in North Carolina. It is the desire of the installers of wastewater treatment systems to have the same degree of professionalism as anyone else who is a part of the construction and building trade in North Carolina.

The industry leaders believe this Bill will establish a system which will begin to regulate the industry and to set up a system of compulsory continual education so as to protect the environmental interest of all the citizens of North Carolina.

This Bill, as drafted, is quite similar to the Electrical Contractors Board of Licensing.

Please supply information for the following questions to the Committee on New Licensing Boards. Please use the space provided. Supporting documents may be attached.

- I. A. In what ways has the marketplace failed to regulate adequately the profession or occupation?

The Contractors who install on-site wastewater systems (septic tank/ground absorption) are the only trade related to the construction industry that is not regulated. Currently, anyone with a backhoe can notify (register) with a local health department and can be an installer of septic systems. The public has incorrectly assumed that this occupation is regulated by some entity only to find out after their septic system fails it is the owner's responsibility to correct the problem with little or no recourse against unscrupulous installers.

- B. Have there been any complaints about the unregulated profession or occupation? Please give specific examples including complainant's names and addresses.

Every local health department in North Carolina routinely receives complaints about installers or contractors using poor practices, methods of construction that may impact the public's health, environmental quality, or economic well being. Each reviewer should independently contact their local health department regarding this serious problem.

Also contact:

Steve Steinbeck - Head, On-Site Wastewater Sewer Branch,
Raleigh, N.C.
Steve Berkowitz - Engineering Branch, On-Site Sewage,
Raleigh, N.C.
Tom Konslar - Orange County Health Department,
Hillsborough, N.C.
Jim Balus -

II. A. In what ways has the public health, safety, or welfare sustained harm or is imminent danger of harm because of the lack of state regulation?

Unqualified, poorly trained and educated installers have constructed systems that have: 1) contaminated ground waters of the disposal site; 2) exposed humans to wastewater effluent on the surface of the ground; 3) caused sewage to back up in the residence or business; 4) created economic hardships on owners of systems that cannot be repaired.

B. Please give specific examples including names and addresses.

Mr. David Crist, a septic tank installer from Lewisville, North Carolina, was killed in late 1992 due to a trench cave-in he was excavating.

This is an example of the danger that exist when adequate caution is not observed.

III. A. Is there potential for substantial harm or danger by the profession or occupation to the public health safety or welfare? How can this potential for substantial harm or danger be recognized?

Absolutely yes.

Improperly installed on-site wastewater systems can bring substantial havoc to the public and the environment by:

- 1) exposure to pathogenic organisms
- 2) contamination of drinking waters - both surface and ground water
- 3) closure of shellfishing waters
- 4) causing large expenditures of public or private monies to correct problems of failing on-site wastewater systems.

B. Has this potential harm or danger to the public been recognized by other states or the federal government through the licensing or certification process? Please list the other states and give the relevant statutory citations.

Yes, nine other states have set up a certification and licensing program for septic tanks and wastewater treatment installations. The states who require certification or registering are:

Arkansas
Florida
New Jersey
Tennessee
Illinois

Delaware
Idaho
Ohio
Washington

IV. A. What will be the economic advantage of licensing to the public?

The public will benefit economically by having licensed contractors constructing systems that will have reduced risk of premature malfunctioning. The cost of correcting failures in septic systems exceeds the ability of some individuals, or in some cases, the towns/cities to pay. Licensed contractors will be able to install systems for the public with the special skills & knowledge required without costly errors/mistakes & in a more timely or cost efficient manner.

B. What will be the economic disadvantages of licensing to the public?

None

C. What will be the economic advantages of licensing to the practitioners?

The economic advantages to licensed on-site wastewater contractors includes: 1) the Board will be able to provide less costly adjudication through arbitration; 2) through training, both prior to licensing and continuing education after licensing will be able to provide more efficient service to the public.

D. What will be the economic disadvantages of licensing to the practitioners?

None, except the cost of the license and some costs to attend continuing education workshops.

E. Please give other potential benefits to the public of licensing that would outweigh the potential harmful effects of licensure such as a decrease in the availability of practitioners and higher cost to the public.

The benefits of licensing on-site wastewater contractors will far out weigh the potential drop in the number of practitioners slightly higher initial costs of systems because a better system will be installed at the outset.

The public health will be better protected and the impact on our ground water will be minimized and long-term costs of systems will be reduced.

- V. A. Please detail the specific specialized skills of training that distinguish the occupation or profession from ordinary labor. How is each justified:

Contractors who install conventional septic tank systems must have the following minimum skills or training:

- Ability to read, understand, and translate a plan or specifications to construct systems in order to comply with permit requirements;
- Ability to use special equipment for the layout and actual installation, again to comply with the various laws, rules and permit conditions.

Contractors who install alternative or non-conventional systems, such as tertiary wastewater treatment plants with low-pressure pipe disposal systems must have the skills listed above and the following additional skills or training:

- Ability to read and understand blueprints and specifications prepared by engineers.
- Ability to assemble various system components, such as tanks, pumps, electrical controls, alarm systems, hydraulic valves, fittings, and numerous complex system components.
- Ability to interpret the potential effects of engineer's specifications upon environmental health.

- B. What are other qualities of the profession or occupation that distinguish it from ordinary labor?

The unique ability to visualize the construction techniques and implement the system.

- VI. A. Will licensing requirements cover all practicing members of the occupation or profession? If any practitioners of the profession or occupation will be exempt, what is the rationale for the exemption?

Yes, all contractors will be governed except those individuals who elect to install a conventional septic tank system on property to serve facilities they own and will occupy.

- B. What is the approximate number of persons who will be regulated and the number of persons who are likely to utilize the services of the occupation or profession?

Approximately six to eight hundred system contractors will be regulated affecting the installation of approximately 30,000 to 40,000 new conventional septic systems annually.

Approximately 10,000 to 15,000 repair systems will be affected, and an estimated 2,000 to 5,000 alternative or non-conventional septic tank systems.

- VII. What kind of knowledge or experience does the public need to have to be able to evaluate the services offered by the occupation or profession?

The public is generally unaware of the special skills and expertise required for wastewater system construction. In fact, the public is often shocked to learn there are currently no requirements for licensing when all other construction trades are licensed.

- VIII. Does the occupational group have an established code of ethics, a voluntary certification program, or other measures to ensure a minimum quality of service? Please document.

None exist.

IX. Please cite and document the extent to which any other licensing board in North Carolina regulates similar or parallel functions to the profession or occupation.

None exist in North Carolina; however, if you are constructing a home a licensed general contractor, a licensed electrician, a licensed plumber, and a licensed refrigeration mechanic are required but the on-site wastewater system can be installed by anyone who calls (registers) with the local health department and says they are in the business.

Info/License



